

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed October 28, 2003. In order to advance prosecution of this Application, Claims 1 and 15 have been amended. Applicant respectfully requests reconsideration and favorable action in this case.

The Examiner has grouped the claims into two groups for restriction, Invention Group I with Claims 1-14 and Invention Group II with Claims 15-24. A provisional election was made with traverse to prosecute Claims 1-14 of Group I. Applicant respectfully traverses this restriction requirement. Applicant respectfully defers withdrawing any claims from this Application pending reconsideration by the Examiner in view of the following comments.

In order to support a restriction of the claims, the claims to be restricted must be both independent and distinct. To be independent, the claim groups must be unconnected in design, operation, or effect, or have no disclosed relation therebetween. To be distinct, the claim groups must be capable of separate manufacture or use and be patentable over each other. Moreover, if a search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. M.P.E.P. §803.

The Examiner states that proposed Invention Groups I and II are related as process and product formed by the process. In this Application, it cannot be shown that the process as claimed can make another and material different product or that the product as claimed can be made by another and materially different process. The Examiner states that the product can be made by a material different process where only

the annular sealing section is heated. However, Invention Groups I and II both require that the sealing section have a lower melting point than the frame and the window and that the frame and window would be heated upon heating the sealing section. Also, proposed Invention Groups I and II are not independent of each other as there is a disclosed relationship, product and process of making the product, between them which are not unconnected in design, operation, or effect in order to establish independence. Moreover, the Examiner has performed a search based on the method claims of Invention Group I, which would necessarily be the same search for the product of Invention Group II. The Examiner would be using the same prior art in the examination of both proposed Invention Group I and proposed Invention Group II. Thus, no serious burden is placed on the Examiner to search and examine proposed Invention Groups I and II. As a result, Invention groups I and II are not independent and distinct from each other to support the Examiner's restriction requirement. Therefore, Applicant respectfully requests the Examiner to withdraw the restriction requirement in this Application. In the event that the Examiner persists in restricting the claims of this Application, Applicant respectfully affirms the election of Claims 1-14 of Invention Group I but maintains that restriction of the claims is not proper in this Application.

Claims 1 and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yamashita in view of Hall, Hasegawa, et al., and Matsumoto. Independent Claim 1 recites ". . . precisely forming an edge of the aperture such that the chrome layer truncates an outermost peripheral edge of image information to be passed through the window . . ." By contrast, the Matsumoto patent used by the Examiner to support a chrome layer merely discloses a reflection preventing layer

that can be formed on a portion of its cover glass. The Matsumoto patent has no disclosure with respect to precisely forming apertures through a chrome layer for the purpose provided in the claimed invention. Support for the above recitation can be found at page 23, lines 13-24, of Applicant's specification. Therefore, Applicant respectfully submits that Claims 1 and 11 are patentably distinct from the proposed Yamashita - Hall - Hasegawa, et al. - Matsumoto combination.

Claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Yamashita in view of Hall, Hasegawa, et al., and Matsumoto and further in view of Robichaud, et al. Independent Claim 1, from which Claim 2 depends, has been shown above to be patentably distinct from the proposed Yamashita - Hall - Hasegawa, et al. - Matsumoto combination. Moreover, the Robichaud, et al. patent does not include any additional disclosure combinable with the proposed combination that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claim 2 is patentably distinct from the proposed Yamashita - Hall - Hasegawa, et al. - Matsumoto - Robichaud, et al. combination.

Claim 3 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Yamashita in view of Hall, Hasegawa, et al., Matsumoto, and Robichaud, et al. and further in view of Applicant's Information Disclosure Statement. Independent Claim 1, from which Claim 3 depends, has been shown above to be patentably distinct from the proposed Yamashita - Hall - Hasegawa, et al. - Matsumoto combination. Moreover, the Robichaud, et al. patent and Applicant's Information Disclosure Statement do not include any additional disclosure combinable with the proposed combination that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claim 3 is patentably

distinct from the proposed Yamashita - Hall - Hasegawa, et al. - Matsumoto - Robichaud, et al. - Applicant's Information Disclosure Statement combination.

Claims 4-7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yamashita in view of Hall, Hasegawa, et al., Matsumoto, and Robichaud, et al. and further in view of Seelen. Independent Claim 1, from which Claims 4-7 depend, has been shown above to be patentably distinct from the proposed Yamashita - Hall - Hasegawa, et al. - Matsumoto combination. Moreover, the Robichaud, et al. and Seelen patents do not include any additional disclosure combinable with the proposed combination that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims 4-7 are patentably distinct from the proposed Yamashita - Hall - Hasegawa, et al. - Matsumoto - Robichaud, et al. - Seelen combination.

Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Yamashita in view of Hall, Hasegawa, et al., and Matsumoto and further in view of Matsuda, et al. Independent Claim 1, from which Claim 8 depends, has been shown above to be patentably distinct from the proposed Yamashita - Hall - Hasegawa, et al. - Matsumoto combination. Moreover, the Matsuda, et al. patent does not include any additional disclosure combinable with the proposed combination that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claim 8 is patentably distinct from the proposed Yamashita - Hall - Hasegawa, et al. - Matsumoto - Matsuda, et al. combination.

Claims 9 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yamashita in view of Hall, Hasegawa, et al., and Matsumoto and further in view of Poradish, et al. Independent Claim 1, from which Claims 9 and 10 depend, has been shown above to be patentably distinct from the proposed

Yamashita - Hall - Hasegawa, et al. - Matsumoto combination. Moreover, the Poradish, et al. patent does not include any additional disclosure combinable with the proposed combination that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims 9 and 10 are patentably distinct from the proposed Yamashita - Hall - Hasegawa, et al. - Matsumoto - Poradish, et al. combination.

Claim 1 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Chun in view of Matsumoto. Independent Claim 1 recites ". . . precisely forming an edge of the aperture such that the chrome layer truncates an outermost peripheral edge of image information to be passed through the window . . ." By contrast, the Matsumoto patent used by the Examiner to support a chrome layer merely discloses a reflection preventing layer that can be formed on a portion of its cover glass. The Matsumoto patent has no disclosure with respect to precisely forming apertures through a chrome layer for the purpose provided in the claimed invention. Support for the above recitation can be found at page 23, lines 13-24, of Applicant's specification. Therefore, Applicant respectfully submits that Claim 1 is patentably distinct from the proposed Chun - Matsumoto combination.

Claim 1 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Tu, et al., Chun, and Matsumoto. Independent Claim 1 recites ". . . precisely forming an edge of the aperture such that the chrome layer truncates an outermost peripheral edge of image information to be passed through the window . . ." By contrast, the Matsumoto patent used by the Examiner to support a chrome layer merely discloses a reflection preventing layer that can be formed on a portion of its cover glass. The Matsumoto patent has no disclosure with respect to precisely forming apertures through a chrome layer for the purpose provided in the claimed

invention. Support for the above recitation can be found at page 23, lines 13-24, of Applicant's specification. Therefore, Applicant respectfully submits that Claim 1 is patentably distinct from the proposed Tu, et al. - Chun - Matsumoto combination.

Claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Tu, et al., Chun, and Matsumoto in view of Yamashita and Robichaud, et al. Independent Claim 1, from which Claim 2 depends, has been shown above to be patentably distinct from the proposed Tu, et al. - Chun - Matsumoto combination. Moreover, the Yamashita and Robichaud, et al. patents do not include any additional disclosure combinable with the proposed combination that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claim 2 is patentably distinct from the proposed Tu, et al. - Chun - Matsumoto - Yamashita - Robichaud, et al. combination.

Claim 3 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Tu, et al., Chun, and Matsumoto in view of Yamashita and Robichaud, et al. and further in view of Applicant's information Disclosure Statement. Independent Claim 1, from which Claim 3 depends, has been shown above to be patentably distinct from the proposed Tu, et al. - Chun - Matsumoto combination. Moreover, the Yamashita and Robichaud, et al. patents and Applicant's Information Disclosure Statement do not include any additional disclosure combinable with the proposed combination that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claim 3 is patentably distinct from the proposed Tu, et al. - Chun - Matsumoto - Yamashita - Robichaud, et al. - Applicant's Information Disclosure Statement combination.

Claims 4-7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tu, et al., Chun, and Matsumoto in view of Yamashita and Robichaud, et al. and further in view of Seelen. Independent Claim 1, from which Claims 4-7 depend, has been shown above to be patentably distinct from the proposed Tu, et al. - Chun - Matsumoto combination. Moreover, the Yamashita, Robichaud, et al., and Seelen patents do not include any additional disclosure combinable with the proposed combination that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims 4-7 are patentably distinct from the proposed Tu, et al. - Chun - Matsumoto - Yamashita - Robichaud, et al. - Seelen combination.

Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Tu, et al., Chun, and Matsumoto in view of Matsuda, et al. Independent Claim 1, from which Claim 8 depends, has been shown above to be patentably distinct from the proposed Tu, et al. - Chun - Matsumoto combination. Moreover, the Matsuda, et al. patent does not include any additional disclosure combinable with the proposed combination that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claim 8 is patentably distinct from the proposed Tu, et al. - Chun - Matsumoto - Matsuda, et al. combination.

Claims 9 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tu, et al., Chun, and Matsumoto in view of Poradish, et al. Independent Claim 1, from which Claims 9 and 10 depend, has been shown above to be patentably distinct from the proposed Tu, et al. - Chun - Matsumoto combination. Moreover, the Poradish, et al. patent does not include any additional disclosure combinable with the proposed combination that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims

9 and 10 are patentably distinct from the proposed Tu, et al. - Chun - Matsumoto - Poradish, et al. combination.

Claim 11 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Tu, et al., Chun, and Matsumoto in view of Hall and Hasegawa, et al. Independent Claim 1, from which Claim 11 depends, has been shown above to be patentably distinct from the proposed Tu, et al. - Chun - Matsumoto combination. Moreover, the Hall and Hasegawa, et al. patents do not include any additional disclosure combinable with the proposed combination that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claim 11 is patentably distinct from the proposed Tu, et al. - Chun - Matsumoto - Hall - Hasegawa, et al. combination.

Applicant notes with appreciation the allowance of Claims 12-14.

Claim 15 has been amended in a similar fashion as Claim 1. Pending withdrawal of the restriction requirement, Applicant respectfully submits that Claims 15-24 are also patentably distinct from the cited art for the reasons discussed above and are in condition for allowance.

Applicant has now made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 1-24.

The present Response to Examiner's Final Action is necessary to address the new grounds of rejection and newly cited art raised by the Examiner. This Response to Examiner's Final Action could not have been presented earlier as the Examiner has only now raised new grounds of rejection and newly cited art.



The Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

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A handwritten signature in black ink, appearing to read 'Charles S. Fish', is written over a horizontal line.

Charles S. Fish

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